

2002**Underpayment of Estimated Tax
by Individuals and Fiduciaries****5805**

Attach this form to the **front** of your Form 540, Form 540A, Long Form 540NR, or Form 541. Also, fill in the circle for underpayment of estimated tax located on Form 540, line 68; Form 540A, line 40; Long Form 540NR, line 77; or Form 541, line 39, whichever applies.

Name(s) as shown on return

Social security number or FEIN

IMPORTANT: In most cases, the Franchise Tax Board (FTB) can figure the penalty for you and you do not have to complete this form. See General Information B.

If you meet **any** of the following conditions, you do not owe a penalty for underpayment of estimated tax. Do not complete or file this form if:

- 80% of your 2002 California adjusted gross income (AGI) was wages or other income subject to California withholding; or
- 80% of your 2001 or 2002 tax liability (not including tax on lump-sum distributions and alternative minimum tax) less credits was paid by the amount of tax withheld from your wages or other income for that year. Do not include the withholding credit or estimated tax payments; or
- The amount of your tax liability (not including tax on lump-sum distributions and alternative minimum tax) less credits (including the withholding credit) but not including estimated tax payments for either 2001 or 2002 was less than \$200 (or less than \$100 if married filing a separate return); or
- Your 2001 return was for a full 12 months (or would have been if you were required to file) and you did not have any tax liability on that return; or
- The amount of your withholding plus your estimated tax payments, if **paid in the required installments**, is at least 80% of the tax shown on your 2002 return or 100% of the tax shown on your 2001 return (112% if AGI was more than \$150,000) AND you are not using the annualized income installment method.

Part I Questions. All filers must complete this part.

- 1 Are you requesting a waiver of the penalty? If yes, provide an explanation below and be sure to fill in the circle on Form 540, line 68; Form 540A, line 40; Long Form 540NR, line 77; or Form 541, line 39. If you need additional space, attach a statement.
See General Information C 1 ☐ Yes ☐ No
- 2 Did you use the annualized income installment method? If yes, see instructions for Part III and be sure to fill in the circle on Form 540, line 68; Form 540A, line 40; Long Form 540NR, line 77; or Form 541, line 39 2 ☐ Yes ☐ No
- 3 Was your California withholding not withheld in equal installments and are you able to show the actual amounts withheld per period and the actual dates withheld? If yes, enter the uneven amounts withheld on the spaces provided below. 3 ☐ Yes ☐ No
Enter the **actual uneven amounts withheld** next to the corresponding quarterly payment due date here:
4/15/02 \$ _____; 6/15/02 \$ _____; 9/15/02 \$ _____; 1/15/03 \$ _____.
- 4 For estates and trusts: Was the date of death less than two years from the end of the tax year? See General Information E 4 ☐ Yes ☐ No

Part II Required Annual Payment. All filers must complete this part.

- | | | | |
|---|--|---|--|
| 1 | Current year tax. Enter your 2002 tax after credits. See instructions | 1 | |
| 2 | Multiply line 1 by 80% (.80) | 2 | |
| 3 | Withholding taxes. Do not include any estimated tax payments on this line. See instructions | 3 | |
| 4 | Subtract line 3 from line 1. If less than \$200 (or less than \$100 if married filing a separate return), stop here.
You do not owe the penalty. Do not file form FTB 5805 | 4 | |
| 5 | Enter the tax shown on your 2001 tax return (112% (1.12) of that amount if the adjusted gross income shown on that return is more than \$150,000, or if married filing a separate return for 2002, more than \$75,000). See instructions ... | 5 | |
| 6 | Required annual payment. Enter the smaller of line 2 or line 5 | 6 | |

Short Method

Caution: See the instructions to find out if you can use the short method. If you answered "Yes" to Question 2 in Part I, skip this part and go to Part III.
If you answered "No" to Question 2 in Part I **and** you cannot use the short method, go to Worksheet II in the instructions (page 4).

- | | | | |
|----|--|----|--|
| 7 | Enter the amount, if any, from Part II, line 3 above | 7 | |
| 8 | Enter the total amount, if any, of estimated tax payments you made | 8 | |
| 9 | Add line 7 and line 8 | 9 | |
| 10 | Total underpayment for year. Subtract line 9 from line 6. If zero or less, stop here. You do not owe the penalty. Do not file form FTB 5805 | 10 | |
| 11 | Multiply line 10 by .040527 | 11 | |
| 12 | <ul style="list-style-type: none"> • If the amount on line 10 was paid on or after 4/15/03, enter -0-. • If the amount on line 10 was paid before 4/15/03, enter the result of the following computation:
 Amount on line 10 X Number of days paid before 4/15/03 X .00016 | 12 | |
| 13 | PENALTY. Subtract line 12 from line 11. Enter the result here and on Form 540, line 68; Form 540A, line 40; Long Form 540NR, line 77; or Form 541, line 39. Also fill in the circle for "FTB 5805." | 13 | |

Part III Annualized Income Installment Method Schedule.

Use this schedule **ONLY** IF you earned taxable income at an **UNEVEN RATE** during 2002 (See Example A). If you earned your income at approximately the same rate each month (See Example B), then you should not complete this schedule. If you choose to figure the penalty, see the instructions for Worksheet II — Regular Method to Figure Your Underpayment and Penalty, on page 4 of the instructions.

Example A: If you were a commissioned salesperson who earned no income during the first three months of the year, earned most of your income during the following six months, and earned very little during the last three months, you should complete this schedule. You may be able to benefit by using the annualized income installment method. The required installment of estimated tax figured using the annualized method may be less than your required installment figured using the equal installment method.

Example B: If you worked all year and earned a monthly salary that did not change much during the year, you should not complete this schedule.

Note: To complete this schedule correctly, you must first complete Side 1, Part II, line 1 through line 6.

Estates and trusts, **do not** use the period ending dates shown to the right.

Instead, use the following: 2/28/02, 4/30/02, 7/31/02, and 11/30/02. Fiscal year filers must adjust dates accordingly.

	(a) 1/1/02 to 3/31/02	(b) 1/1/02 to 5/31/02	(c) 1/1/02 to 8/31/02	(d) 1/1/02 to 12/31/02
1 Enter your adjusted gross income (AGI) for each period. Long Form 540NR filers, see instructions. Estates or Trusts, enter the amount from Form 541, line 20 attributable to each period. See instructions				
2 Annualization amounts. Estates or Trusts, see instructions	4	2.4	1.5	1
3 Annualized income. Multiply line 1 by line 2				
4 Enter your itemized deductions for the period shown in each column. If you do not itemize deductions, enter -0- here and on line 6. Estates or Trusts, enter -0- here, skip to line 9, and enter the amount from line 3 on line 9				
5 Annualization amounts	4	2.4	1.5	1
6 Annualized itemized deductions. Multiply line 4 by line 5. See instructions				
7 Enter your standard deduction from your 2002 Form 540 or Long Form 540NR, line 18; or Form 540A, line 15. Enter the total standard deduction amount in each column. See instructions				
8 Enter line 6 or line 7, whichever is larger				
9 Subtract line 8 from line 3				
10 Figure the tax on the amount in each column of line 9 using the tax table or the tax rate schedule in the instructions for Form 540, Form 540A, Long Form 540NR, or Form 541. Also, include any tax from form FTB 3803. Estates or Trusts, see instructions				
11 Enter the total amount of exemption credits from your 2002 Form 540, line 21; Form 540A, line 18; Long Form 540NR, line 25b; or Form 541, line 22. Enter the total exemption credit amount in each column. See instructions				
12 Subtract line 11 from line 10. Long Form 540NR filers, complete Worksheet I on page 3 of the instructions				
13 Enter the total credit amount from your 2002 Form 540, line 33 plus line 45; Form 540A, line 19 plus line 31; or Form 541, line 23. Long Form 540NR filers, see instructions. Enter the total amount of credits in each column				
14 Subtract line 13 from line 12. If zero or less, enter -0-				
15 Applicable percentage	20%	40%	60%	80%
16 Multiply line 14 by line 15				
COMPLETE LINE 17 THROUGH LINE 23 OF EACH COLUMN BEFORE YOU GO TO THE NEXT COLUMN.				
17 Enter the combined amounts shown on line 23 from all preceding columns				
18 Subtract line 17 from line 16. If zero or less, enter -0-				
19 In each column, enter 1/4 of the amount on form FTB 5805, Part II, line 6				
20 Enter the amount from line 22 from the preceding column				
21 Add line 19 and line 20				
22 Subtract line 18 from line 21. If zero or less, enter -0-				
23 Enter line 18 or line 21, whichever is less. Transfer these amounts to Worksheet II — Regular Method to Figure Your Underpayment and Penalty, line 1				

Note: If you use the annualized income installment method for one payment due date, you must use it for all payment due dates.

This schedule automatically selects the smaller of your annualized income installment or your regular installment.

Instructions for Form FTB 5805

Underpayment of Estimated Tax by Individuals and Fiduciaries

What's New

California law conforms to the Internal Revenue Code Section 6654(d) as of January 1, 2001 with regard to the amount required to be paid as estimated payments. Thus, individuals who are required to make estimated payments, and whose 2002 adjusted gross income is more than \$150,000 (or \$75,000 if married filing separately), must figure estimated taxes based on the lesser of 90% (instead of 80%) of their tax for 2001 or 112% of their tax for 2002. However, the Franchise Tax Board will apply a waiver of the penalty for any period, if the estimated installments are underpaid because of any law change enacted during 2002 (AB 2065, Stats. 2002, Ch. 488).

In 2001 California changed the method used to calculate loss carryovers, deferred deductions, and deferred income for nonresident and part-year resident taxpayers (AB 1115, Stats 2001, Ch. 920). This law changes the tax computation to recognize those items, and establishes a new method of determining percentages for computing tax for all nonresidents and part-year residents. Beginning this year, California changed the nonresident tax forms (Long and Short Form 540NR) to more clearly show that nonresidents are taxed by California only on their California taxable income. For further information see FTB Pub. 1100, Guidelines for Nonresidents and Individuals who Change Residency.

General Information

A Purpose

Use form FTB 5805 to see if you owe a penalty for underpaying your estimated tax and, if you do, to figure the amount of the penalty.

B Who Must File

Generally, you do not have to complete this form. If you owe a penalty the Franchise Tax Board (FTB) will figure the penalty for you and send you a bill after you have filed your return. You must then pay the penalty within 15 days of the billing to avoid additional interest charges.

Important: If you answered "Yes" to any of the questions in Part I (estates and trusts, see General Information E), you must complete this form and attach it to the **front** of your return.

C Waiver of the Penalty

You may request a waiver of the penalty if:

- You underpaid an estimated tax installment due to a casualty, disaster, or other unusual circumstance and it would be inequitable to impose the penalty; or
- You retired after age 62 or became disabled in 2001 or 2002 and your underpayment was due to reasonable cause.
- You underpaid your estimated installments because of any law change enacted during 2002 (AB 2065, Stats. 2002, Ch. 488).

To request a waiver:

- Check "Yes" on form FTB 5805, Part I, Question 1, and in the space provided, explain why you are requesting a waiver of the estimate penalty. If you need additional space, attach a statement;
- Complete form FTB 5805 through Part II, line 12 (Worksheet II, line 13 if you use the regular method) without regard to the waiver. Write the amount you want waived in parentheses on the dotted line next to Part II, line 13 (Worksheet II, line 14 if you use the regular method). Subtract this amount from the total penalty you figured without regard to the waiver, and enter the result on Part II, line 13 (Worksheet II, line 14 if you use the regular method);
- Fill in the circle on Form 540, line 68; Form 540A, line 40; Long Form 540NR, line 77; or Form 541, line 39; and
- Attach form FTB 5805 to the front of your return on top of any check, money order, Form W-2, Form 1099, or other special documentation.

D Annualized Income Installment Method

If your income varied during the year and you use the annualized income installment method to determine your estimate payment requirements, you must complete form FTB 5805, including Side 2. Attach it to the front of your return on top of any check, money order, Form W-2, Form 1099, or other special documentation. Also fill in the circle on Form 540, line 68; Form 540A, line 40; Long Form 540NR, line 77; or Form 541, line 39 for the underpayment of estimated tax.

E Estates and Trusts

Estates and trusts are required to make quarterly estimated tax payments. Estates and grantor trusts, which receive the residue of the decedent's estate, are required to make estimated income tax payments for any year ending two or more years after the date of the decedent's death. If you answered "Yes" to Question 4, complete Part I **only** and attach form FTB 5805 to the front of your return.

Note: Exempt trusts should use form FTB 5806, Underpayment of Estimated Tax by Corporations.

F Nonresidents and New Residents

The penalty for the underpayment of estimated tax applies to nonresidents and new residents. See the conditions listed in the box labeled "Important" on Side 1 of form FTB 5805.

G Farmers and Fishermen

You are considered a farmer or fisherman if at least two-thirds (2/3) of your annual gross income for 2001 or 2002 is from farming or fishing. Farmers and fishermen are required to make one estimate payment. For calendar year taxpayers, the due date is January 15, 2003. If you file Form 540, Long Form 540NR, or Form 541 and pay the entire tax due by March 3, 2003, you do not owe a penalty for

underpaying estimated tax. Use form FTB 5805F, Underpayment of Estimated Tax by Farmers and Fishermen.

H Due Dates for Estimated Tax Installments

If you are a calendar year taxpayer, the estimated tax installment due dates for 2002 were:

- First quarter — April 15, 2002
- Second quarter — June 17, 2002
- Third quarter — September 16, 2002
- Fourth quarter — January 15, 2003

Fiscal year filers must pay estimated tax installments on the 15th day of the 4th, 6th, and 9th months of their fiscal year, and the 1st month of the following fiscal year.

The penalty is figured separately for each due date. Therefore, you may owe a penalty for an earlier installment due date, even if you pay enough tax later to make up the underpayment.

If a due date falls on a Saturday, Sunday, or legal holiday, use the next business day for the due date. For example, since the June 15, 2002 due date for calendar year taxpayers falls on a Saturday, any payments received on the following business day, June 17, 2002, will be credited as having been paid on June 15, 2002.

I Filing an Early Return in Place of the 4th Installment

If you file your 2002 tax return by February 3, 2003, and pay the entire balance due, you do not have to make your last estimate payment. Fiscal year filers must file their return and pay their tax before the first day of the 2nd month after the end of their taxable year.

J Amended Return

If you file an amended return:

- On or before the due date of your original return, use the tax, credit, and other amounts shown on your amended return to figure your penalty for underpayment of estimated tax.
- After the due date of the original return, you must use the amounts shown on the original return to figure the penalty.

K Penalty Rates

The rates used to determine the amount of your penalty are established at various dates throughout the year. If an installment of estimated tax for any quarter remained unpaid or underpaid for more than one rate period, the penalty for that underpayment will be figured using more than one rate when applicable.

The following rates apply to the 2002 computation period:

- 7% 4-15-02 through 6-30-02
- 6% 7-01-02 through 6-30-03

Fiscal year filers: the rates for the periods 7/1/03 through 12/31/03 and 1/1/04 through 6/30/04 will be determined by the FTB in March 2003 and September 2003, respectively.

Call the FTB's automated toll-free phone service to get updated penalty rates. Call the number below, select Personal Income Tax then select "General Tax Information." Enter code number **403** when instructed.

The automated toll-free phone service is available in English and Spanish to callers with touch-tone telephones 24 hours a day, seven days a week.

From within the United States, call (800) 338-0505
From outside the United States, call (not toll free) (916) 845-6600

Specific Line Instructions

Part II — Computing the Required Annual Payment

Use this part to figure the amount of estimated tax that you were required to pay.

Certain high-income taxpayers are required to use 112% (instead of 100%) of the tax shown on their previous year's return in the computation of the required annual payments. See the instructions for line 5.

Line 1 — Enter your tax liability (excluding any tax on lump-sum distributions) from your 2002 Form 540, line 34 less the amount on line 45; Form 540A, line 23 less the amount on line 31; Long Form 540NR, line 43 less the amount on line 54; or Form 541, line 25.

Line 3 — Enter the amounts from your 2002 Form 540, line 38 and line 41; Form 540A, line 25 and line 27; Long Form 540NR, line 47, line 48, and line 50; or Form 541, line 28.

Line 5 — Enter your tax liability (excluding any tax on lump-sum distributions) from your 2001 Form 540, line 34 less the amount on line 45; Form 540A, line 23 less the amount on line 31; Long Form 540NR, line 43 less the amount on line 54; or Form 541, line 25.

If the adjusted gross income shown on your 2001 California tax return is more than \$150,000, or more than \$75,000 if married filing separately, then enter 112% (1.12) of the tax liability from your 2001 return on line 5.

If you did not file a return for 2001, or if your 2001 tax year was less than 12 months, do not complete line 5. Instead, enter the amount from line 2 on line 6.

Short Method

You may use the short method only if you are a calendar year taxpayer and:

1. You made no estimated tax payments or your only payments were California income tax withheld; or
2. You paid estimated tax in four equal amounts on the due dates.

Note: If any payment was made earlier than the due date, you may use the short method, but using it may cause you to pay a larger penalty than using the regular method. If the payment was only a few days early, the difference is likely to be small.

You may **not** use the short method if either of the following apply:

1. You made any estimated tax payment late; or
2. You answered "Yes" to Part I, Question 3.

If you can use the short method, complete Part II, line 1 through line 10 to figure your total underpayment for the year, and line 11 through line 13 to figure the penalty.

Part III — Annualized Income Installment Method

If your income varied during the year, you may be able to lower or eliminate the amount of one or more required installments by using the annualized income installment method. Use Part III to figure the required installment amount to enter on Worksheet II — Regular Method to Figure Your Underpayment and Penalty, line 1 (page 4).

Complete line 1 through line 16 to figure your current year tax, per quarter, based on your income as you earned it. Then, complete line 17 through line 23 to figure your required installment for each quarter. (The total of all amounts entered on line 23 should equal the amount from Part II, line 6.)

If you use the annualized income installment method for any payment due date, you must use it for all payment due dates. To figure the amount of each required installment, Part III automatically selects the smaller of the annualized income installment or the regular installment (increased by the amount saved by using the annualized income installment method in figuring earlier installments).

Note: If you are filing Long Form 540NR, see Long Form 540NR Instructions for Part III at the end of this section.

Line 1 — Figure your total income minus your adjustments to income for each period from 01/02 to the ending date of each period (the amounts are cumulative). Include your share of partnership or S corporation income or loss items for the period.

Line 2 — Form 541 filers. Do not use amounts shown in column (a) through column (d). Instead, use 6, 3, 1.71429, and 1.09091, respectively, as the annualization amounts.

Line 6 — Multiply line 4 by line 5 and enter the result on line 6. Your annualized itemized deductions are limited if, in any quarter, line 3 is greater than:

- \$265,589 (married filing jointly or qualifying widow(er)); or
- \$132,793 (single or married filing separately); or
- \$199,192 (head of household).

Use the following worksheet to figure the amount to enter on line 6 for each period line 3 reaches the above amounts.

- 1 Enter the amount from Part III, line 4 **1**_____
- 2 Using California amounts, add the amounts on federal Schedule A, line 4, line 13, and line 19 plus any gambling losses included on line 27 **2**_____
- 3 Subtract line 2 from line 1 **3**_____
- 4 Enter the number from Part III, line 5 **4**_____

(worksheet continues at top of next column)

- 5 Multiply the amount on line 1 by line 4 **5**_____
- Note:** If the amount on line 3 is zero, stop here and enter the amount from line 5 on Part III, line 6.
- 6 Multiply the amount on line 3 by the number on line 4 **6**_____
 - 7 Multiply the amount on line 6 by 80% (.80) **7**_____
 - 8 Enter the amount from Part III, line 3 **8**_____
 - 9 Enter the amount shown above for your filing status **9**_____
 - 10 Subtract line 9 from line 8 **10**_____
 - 11 Multiply the amount on line 10 by 6% (.06) **11**_____
 - 12 Enter the smaller of line 7 or line 11 **12**_____
 - 13 Subtract line 12 from line 5. Enter the result here and on Part III, line 6 **13**_____

Line 7 — Enter the total standard deduction allowed for your filing status in each column even if you itemized your deductions.

Line 10 — Form 541 filers. Figure the tax on the amount in each column of line 9 using the tax table or tax rate schedule in your tax booklet. Also, include any tax from:

- Form FTB 5870A, Tax on Accumulation Distribution of Trusts; or
- IRC Section 453A tax.

Line 11 — If your exemption credits were limited by adjusted gross income (AGI), it may be to your advantage to make a separate computation for each period. If you choose, you may complete the exemption credit worksheet in your tax booklet for each period.

Line 13 — Enter the special credits you are entitled to because of events that occurred during the months shown in the column headings.

Credit Limitation — If your special credits were limited by tentative minimum tax (TMT), it may be to your advantage to make a separate computation for each period. If you choose, you may complete a separate Schedule P (540 or 541) for each period.

Long Form 540NR Instructions for Part III

Use these instructions only if you are filing Long Form 540NR.

Line 1 — Enter your total adjusted gross income (AGI) for each period. Your total AGI is your AGI for the period from all sources.

Line 12 — Long Form 540NR filers complete Worksheet 1 on page 3.

California AGI is all of the income you earned while you were a California resident plus any income received from sources within California while you were a nonresident, less applicable income adjustments. For more information, see the instructions for Schedule CA (540NR), California Adjustments — Nonresidents or Part-Year Residents.

Line 13 — Refigure Long Form 540NR, line 31 through line 42, plus line 54. Prorate the credits on line 31 through line 34 using the ratio from Line N of Worksheet I.

Worksheet II Regular Method to Figure Your Underpayment and Penalty.**Part I Figure Your Underpayment**

		Payment Due Dates			
		(a) 4/15/02	(b) 6/15/02	(c) 9/15/02	(d) 1/15/03
1 Required Installments. See instructions	1				
2 Estimated tax paid and tax withheld. See instructions. For column (a) only, also enter the amount from line 2 on line 6. (If line 2 is equal to or more than line 1 for all payment periods, stop here; you do not owe the penalty. Do not file form FTB 5805 unless you answered "Yes" to a question in Part I)	2				
COMPLETE LINE 3 THROUGH LINE 9 OF ONE COLUMN BEFORE GOING TO THE NEXT COLUMN.					
3 Enter amount, if any, from line 9 of previous column	3				
4 Add line 2 and line 3	4				
5 Add amounts on line 7 and line 8 of the previous column	5				
6 Subtract line 5 from line 4. If zero or less, enter -0-. For column (a) only, enter the amount from line 2	6				
7 If the amount on line 6 is zero, subtract line 4 from line 5. Otherwise, enter -0-	7				
8 Underpayment. If line 1 is equal to or more than line 6, subtract line 6 from line 1. Then go to line 3 of next column. Otherwise, go to line 9	8				
9 Overpayment. If line 6 is more than line 1, subtract line 1 from line 6. Then go to line 3 of next column	9				

Part II Figure the Penalty. Complete line 10 through line 13 of one column before going to the next column.

Rate Period 1:			4/15/02	6/15/02		
April 15, 2002 — June 30, 2002			Days:	Days:		
10 Number of days from the date shown above line 10 to the date the amount on line 8 was paid or 06/30/02, whichever is earlier	10					
11 Underpayment Number of on line 8 X days on line 10 X .07 (see instructions) 365	11	\$	\$			
Rate Period 2:			07/01/02	07/01/02	09/15/02	1/15/03
July 1, 2002 — April 15, 2003			Days:	Days:	Days:	Days:
12 Number of days from the date shown above line 12 to the date the amount on line 8 was paid or 4/15/03, whichever is earlier	12					
13 Underpayment Number of on line 8 X days on line 12 X .06 (see instructions) 365	13	\$	\$	\$	\$	
14 PENALTY. Add all amounts on line 11 and line 13 in all columns. Enter the total here, on form FTB 5805, Side 1, Part II, line 13, and on Form 540, line 68; Form 540A, line 40; Long Form 540NR, line 77; or Form 541, line 39. Also be sure to fill in the circle on that line					14	\$